

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	MAGISTRATE ACTION NO. V-09-63
	§	
HERIBERTO TORRES; aka TORRES	§	

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL**

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear for court as required; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant is substantial. The material witnesses identified the defendant as the person who was driving them to Houston, and who advised them to duck down to avoid being seen by Border Patrol officers. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant has a significant criminal history and was just released from prison in March 2009. He has significant family ties to Mexico, making him a poor bond risk.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending

appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 19th day of November, 2009.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE